

Town of Fortville  
Utility Street Standards

**SECTION 02505 – RIGHT OF WAY PERMIT**

GENERAL

1.1 SCOPE

A. General

1. All work within existing Town right-of-way shall require a “Right-of-Way” permit from the Town of Fortville.
2. An application, plans of the proposed improvements, a Contractor’s estimate or a cost estimate certified by a Professional Engineer must be submitted and approved prior to beginning any work within the Town right-of-way.
3. Upon approval of the proposed improvements, the applicant shall submit a bond in the amount of 125% of the estimated work to the Town prior to starting any work within the right-of-way.

PART 2 - PERMITTING

2.1 PERMIT APPLICATION

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Type of permit:	
<input type="checkbox"/> Road Cut <input type="checkbox"/> Driveway <input type="checkbox"/> Excavation <input type="checkbox"/> Pole Line <input type="checkbox"/> Railroad <input type="checkbox"/> Miscellaneous	
Project Location:	
Project Description:	
Project Purpose:	
Improvement Cost Estimate: <i>(Attached a detailed cost estimate prepared by a Professional Engineer".)</i>	\$
Bond Required? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, penal sum: <i>(Bond Amount 125% of Cost Estimate.)</i> \$
	Bond Number:
Permit Fee: <i>(Make check payable to the "Town of Fortville".) Refer to attached Fee Schedule</i>	\$
<p>The applicant agrees to indemnify, defend, exculpate, and hold harmless the Town of Fortville, its officials and employees from any liability due to loss, damage, injuries, or other casualties of whatsoever kind, or by whoever cause, to the person or property of anyone on or off the right-of-way arising out of, or resulting from the issuance of this permit or the work connected therewith, or from the installation, existence, use maintenance, conditions, repairs, alteration, or removal of any material, whether due in whole or in part to the negligent acts or omissions (1) of the Town, its officials, agents, or employees; or (2) of the applicant, his agents, or employees or claims out of workmen's compensation act or any other law, ordinance, order, or decree. The applicant also agrees to pay all reasonable expenses and attorney's fees incurred by or imposed on the Town in connection herewith in the event that the applicant shall default under the provisions of this paragraph.</p>	
Special Provisions:	
Signature of Permit Applicant:	Printed name of Applicant:
Name of Organization:	Telephone Number: (    )
Address ( Number and street, city, state and ZIP code:	Email Address:
Permit Number:	Approved By:

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PART 3 – PERMIT PROVISIONS

3.1 GENERAL PERMIT PROVISIONS

1. All work described in the permit shall be subject to inspection by the Town of Fortville and the permittee shall adjust or stop operations upon direction of any police officer or Town employee.
2. The permit may be rescinded at any time by the Town of Fortville at its discretion or for noncompliance with any and/or all provisions of said permit.
3. The permittee shall notify the Town of Fortville Street Department five (5) working days preceding the beginning of any work activity.
4. The permittee shall notify the Town of Fortville Street Department that the work is complete and this notice is to be provided within seven (7) days from completion of all work on this permit.
5. The permittee shall have the permit complete with drawings and special provisions in their possession during work operations and will show said permit on demand, to any police officer or authorized Town of Fortville employee.
6. The permittee shall pay the Town of Fortville for any inspection costs where it is necessary to assign a Town of Fortville employee to inspect the work. The permittee shall immediately reimburse the Town upon receipt of an itemized statement.
7. The permit is valid through the stated expiration date. If work is not completed within the allotted time, the permit is automatically cancelled unless an extension is requested prior to the expiration date and said request is approved by the Town of Fortville. If a permit is cancelled, a new application must be submitted and approved before the proposed work can be accomplished.
8. The permittee shall erect and maintain all necessary signs, barricades, detour signs, and warning devices required to safely direct traffic over or around the part of the highway where permitted operations are to be done so long as the work does not interfere with traffic, in accordance with Section “VI” of the Indiana Manual of Uniform Traffic Control Devices.
9. All construction and materials used within the highway right-of-way must conform to the current Town of Fortville “Utility and Street Standards” with the permittee being considered in the same status as the contractor.

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10. The permitted operations shall not interfere with any existing structure on the Town of Fortville right-of-way without specific permission in writing from the Town of Fortville. In the event that any buildings, railings, traffic control devices, or other structures are damaged, said cost of the removal and/or damage shall be borne by the permittee.
11. The permit does not apply to any State roads or bridges within the Town limits. The permittee must apply for an Indiana Department of Transportation right-of-way permit if the project is located on any State road or bridge.
12. Approval of the permit application shall be subject to the permittee obtaining all necessary authorizations from local authorities and complying with all applicable laws. The issuance of the permit shall in no way imply Town of Fortville approval of, or be intended to influence any action pending before a local board, commission, or agency.
13. The permitted operations shall be allowed on Town right-of-way only between sunrise and sunset and shall not be performed on Saturdays, Sundays, or during the period beginning at 12:00 Noon on the last weekday (Monday through Friday) preceding and continuing until Sunrise on the day following: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
14. Any objection to the conditions and provisions of an approved permit must be submitted in writing to the Town of Fortville within fifteen (15) days from the issue date.

END OF SECTION 02505